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08/8/99	APPLICATION NO. 01	FILING DATE	WILHELM	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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MM51/0412

KAPLAN, J	EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.  
**08/820,496**

Applicant(s)  
**Wilhelm**

Examiner  
**Jonathan Kaplan**

Group Art Unit  
**2836**



☒ Responsive to communication(s) filed on Feb 2, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-4, 7, 9-11, 13-16, 19, and 22-48 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 4, 25-27, 29, 34, 35, 37-43, and 47 is/are allowed.

☒ Claim(s) 1, 2, 7, 9, 11, 13-16, 19, 22-24, 28, 30-33, 36, 45, and 46 is/are rejected.

☒ Claim(s) 3, 10, 44, and 48 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1, 2, 3, 7, 10, 11, 45 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is vague and indefinite because it is unclear what is meant by the voltage regulator receives both the voltage and the converted DC electrical power. The claim is also vague and indefinite because it is unclear what "the voltage" is referring to on line 15 of the claim. Is the voltage the same as or different than the converted DC electrical power.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 9, 13, 16, 19, 22, 23, 30, 33, 36, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnaedinger (4,075,504) in view of Oughton, Jr.(4,988,889).

Gnaedinger discloses in figure 1, a high efficiency lighting system for maintaining normal lighting condition by lighting fixtures requiring DC electrical power comprising: power control

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means (3), a grid source (AC power source, 5), lighting fixtures (L1-L5), said power control means converting said AC electrical power to DC electrical power (diodes d1 and d3), battery means (8), said battery means being connected to said power control means for being maintained in a fully charged condition (9) by said power control means during normal supply of AC electrical power from said grid source; and said power control means delivering said required DC electrical power from said battery means to said lighting fixtures only during an AC electrical power outage to maintain without interruption normal lighting by said lighting fixtures see column 4, lines 33-50.

Gnaedinger does not disclose a power controller including a voltage regulator for regulating the converted DC electrical power. However, Oughton, Jr. discloses a power source system for emergency lights which includes a voltage regulator (12) which regulates the converted DC electrical power. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings Oughton, Jr. into Gnaedinger's device for the purpose of providing substantially constant output power to the loads so as not to damage the load with improper voltages.

4. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnaedinger (4,075,504) in view of Oughton, Jr.(4,988,889) as applied to claim 1 above, and further in view of Peterson.

Claim 2 adds the limitation of a plurality of control units. Peterson discloses an emergency lighting system with a plurality of control units (16). It would have been obvious to

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one of ordinary skill in the art at the time the invention was made to utilize the teachings of Peterson into Gnaedinger's device for the purpose of controlling a plurality loads in different rooms or branch circuits.

Claim 7 adds the limitation of allowing either AC or DC power to operate said lighting fixtures. Peterson discloses an Emergency Lighting System wherein the lights can operate with either AC or DC power. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Peterson into Edwards et al.'s device for the purpose of providing a system which will work with either AC or DC power.

5. Claims 11, 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnaedinger (4,075,504) in view of Oughton, Jr.(4,988,889) as applied to claim 1, 13 and 30 above, and further in view of Alenduff et al. (4,731,5467).

Claim 11 and 14 add the limitation of a cogeneration source of electrical power. Alenduff et al. discloses main power supply (utility network) for supplying power to a load (operation unit)an additional power supply unit (24) for supplying additional power to the load. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Alenduff et al. into Gnaedinger device for the purpose of providing additional power to operate the load properly.

6. Claims 15, 28, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gnaedinger (4,075,504) in view of Oughton, Jr.(4,988,889) as applied to claim 13 and 30 above, and further in view of Nakata.

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Claims 15, 28, and 32 add the limitation of wherein the DC source used to charge the battery is a photovoltaic system. Nakata discloses a photovoltaic system or solar panel which charges a back up battery for supplying power to a load. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Nakata into Gnaedinger's device for the purpose of providing a power source which can continuously supply power to a battery so that the battery is always available to supply power to a load.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gnaedinger (4,075,504) in view of Oughton (4,988,889) and Kobayashi et al.

Gnaedinger discloses in figure 1, a high efficiency lighting system for maintaining normal lighting condition by lighting fixtures requiring DC electrical power comprising: power control means (3), a grid source (AC power source, 5), lighting fixtures (L1-L5), said power control means converting said AC electrical power to DC electrical power (diodes d1 and d3), battery means (8) , said battery means being connected to said power control means for being maintained in a fully charged condition (9) by said power control means during normal supply of AC electrical power from said grid source; and said power control means delivering said required DC electrical power from said battery means to said lighting fixtures only during an AC electrical power outage to maintain without interruption normal lighting by said lighting fixtures see column 4, lines 33-50.

Gnaedinger does not disclose a power controller including a voltage regulator for regulating the converted DC electrical power. However, Oughton, Jr. discloses a power source

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system for emergency lights which includes a voltage regulator (12) which regulates the converted DC electrical power. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings Oughton, Jr. into Gnaedinger's device for the purpose of providing substantially constant output power to the loads so as not to damage the load with improper voltages.

Gnaedinger does not disclose the limitation of limiting said converted AC electrical power to DC electrical when load requirement exceed said predetermined threshold limit, wherein said battery means provides any additional required DC electrical power. However, Kobayashi et al. discloses a power supply system in which the battery supplies addition power in the event the main source can not supply the proper operating voltage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Kobayashi et al. into Gnaedinger's device for the purpose of supplementing the main power source so that the load will have a sufficient amount of power to operate the load.

***Allowable Subject Matter***

8. Claims 4, 25-27, 29, 34, 35, 37, 38-41, 42, 43 and 47 are allowed over the prior art of record.

9. Claims 3, 10, 44 and 48 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 2, 7, 9, 11, 13-16, 19, 22-24, 28 30-33, 36, 45 and 46, have been considered but are moot in view of the new ground(s) of rejection.

Applicant is correct in pointing out that the previously cited Gnaedinger reference does not disclose a voltage regulator. However, the Oughton reference clearly teaches a voltage regulator circuit for providing a regulated output to the various lighting loads.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

  
Jeffrey Gaffin  
Supervisory Patent Examiner  
Technology Center 2800



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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Kaplan whose telephone number is (703)308-1216.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of the Technology Center whose telephone number is (703) 308-1782. The facsimile numbers for Technology Center 2800 are (703) 305-3432, (703) 305-3431, (703) 308-7722, (703) 308-7724, (703) 308-7382.

JSK

April 8, 1999